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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YANN LEGALLO

Appeal 2007-4386
Application 10/092,363
Technology Center 3600

Decided: February 21, 2008

Before WILLAM F. PATE, III, HUBERT C. LORIN, and
ANTON W. FETTING, *Administrative Patent Judges*.

PATE, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 4, and 16.¹ We have jurisdiction under 35 U.S.C. § 6(b) (2002).

¹ Claims 5-15 have been allowed, claims 17-19 are objected to, and claims 2 and 3 have been cancelled.

SUMMARY OF DECISION

We AFFIRM.

THE INVENTION

Appellant's claimed invention is directed to an anti-entrapment device for a motor-driven cable-operated window lifting mechanism (Spec. ¶ 1).

Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A window glass lifting mechanism comprising:
 - a sliding member for a window glass;
 - a cable for driving the sliding member for the window glass and connected to the sliding member;
 - a motor for driving the cable;
 - an end stop operatively coupled to the cable; and
 - a sensor disposed between the end stop and the sliding member, wherein the sensor measures tension in said cable by measuring the force exercised by the cable on the sliding member.

THE REJECTION

The Examiner relies upon the following evidence in the rejections:

Sesselmann (as translated) DE 19847080 A1 Apr. 13, 2000

The following rejection is before us for review.

1. Claims 1, 4, and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by Sesselmann.

ISSUE

Appellant contends that Sesselmann fails to disclose (1) an end stop as recited in claim 1, and (2) supplying a signal representing entrapment by the window glass as recited in claim 16 (Appeal Br. 4-5). The Examiner found that the guide piece 24 of Sesselmann is equivalent to the claimed end stop (Answer 3).

The issue before us is whether Appellant has shown that the Examiner erred in rejecting claims 1, 4, and 16 as anticipated by Sesselmann.

FINDINGS OF FACT

We find that the following enumerated findings are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

1. Sesselmann teaches an anti-pinch system for parts of motor vehicles that are moved by a motorized mechanism via a flexible traction means that are chucked between its ends (Sesselman, p. 2).
2. Sesselmann teaches a window winder for displacing a window 100 in a motor vehicle (Sesselmann, p. 9 and Fig. 1).
3. As illustrated in Fig. 1, the window winder includes an electric motor 10 connected to a drive housing 11 which retains a displacement gearing coupled with the drive motor 11 which serves to drive the window winder (Sesselmann, p. 10).
4. The cable section below the cable drum 12 is guided around a cable deflection piece 15 to a cable eyelet 60 for the bottom end 6 of the cable (Sesselmann, p. 10).
5. The bottom cable eyelet 60 includes a guide element 64 which is carried in a guide channel 63 in a sliding manner, and which serves to retain the bottom end 6 of the cable (Sesselmann, p. 10).
6. The cable section extending above the cable drum 12 is guided to an upper cable eye 20 via an upper deflector element 14 which simultaneously serves as a device for recognizing a pinching incident (Sesselmann, p. 10).

7. A second guide piece 24 is carried in a guide channel 23 in a sliding fashion, and is supported against the upper cable deflector element 14 via a pretensioned screw spring 21 (Sesselmann, p. 11).

8. The cable 5 is firmly chucked on its two ends 6, 7 such that rotation of the cable drum 12 causes the drive motor 10 to move together with the drive housing 11 and the window 1 (Sesselmann, p. 13).

9. Sesselmann discloses a sensor/measuring strip 28 which measures any stretch in the cable 5 due to a force F which acts upon the cable section, and generates an electrical signal which is fed to an electronic unit 17 (Sesselman, p. 19).

10. If the stretch of the cable 5 exceeds the force F which acts upon the cable 5 by a specific predefined value, it is interpreted as a pinching incident, i.e., entrapment, by the electronic unit 17 (Sesselmann, p. 19).

PRINCIPLES OF LAW

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987).

ANALYSIS

Appellant contends that Sesselmann fails to anticipate claim 1 because Sesselmann fails to disclose an end stop as claimed. More specifically, Appellant contends that the guide piece 24 of Sesselmann, which the Examiner found to be an end stop, is not equivalent to the claimed end stop because it is “not at an end of a cable, nor is it a stop structure, nor is it

operatively coupled to the cable as a stop structure” (Appeal Br. 4). We disagree.

First, we note that element 24 of Fig. 3 does not refer to a channel as suggested by Appellant but rather to the guide piece which moves within channel 23. Second, Sesselmann clearly teaches that the guide pieces 24 and 64 are disposed at the ends 6, 7 of the cable 5 and serve to retain the ends of the cable (Finding of Facts 5-7). Furthermore, Sesselmann teaches that the cable 5 is firmly chucked on its two ends 6, 7 and that the guide pieces 64 and 24 are attached to the ends 6, 7 of the cable 5 (Finding of Facts 4-8). Therefore, the guide piece 24 of Sesselmann is attached at an end of the cable, acts as a stop structure and is operatively coupled to the cable 5. As such, we sustain the Examiner’s rejection of claim 1.

Appellant contends that Sesselmann fails to anticipate claim 4 because Sesselmann fails to disclose “a mechanism having the claimed processing module that supplies a signal representing trapping by the window glass” (Appeal Br. 4). The Examiner found that Sesselmann discloses a sensor and processing module as claimed (Answer 3).

Sesselmann discloses a sensor/measuring strip 28 which measures any stretch in the cable 5 due to a force F which acts upon the cable section, and generates an electrical signal which is fed to an electronic unit 17 (Finding of Fact 9). If the stretch of the cable 5 exceeds the force F which act upon the cable 5 by a specific predefined value, it is interpreted as a pinching incident, i.e., entrapment, by the electronic unit 17 (Finding of Fact 10). As such, we sustain the Examiner’s rejection of claim 4 as anticipated by Sesselmann.

Finally, Appellant contends that “[a]lthough Sesselmann mentions detecting a jam situation from a strain force acting on the traction element/cable 5, it is not clear whether the jam detected by Sesselman is due to entrapment by the window glass lifting mechanism” (Appeal Br. 5). Appellant further contends that “Sesselmann generically refers to a jam without specifying what caused the jam” (*Id.*). Sesselman specifically discloses that if the stretch of the cable 4 exceeds the force F which acts upon the cable 5 by a specific predefined value, it is interpreted as a pinching incident (Finding of Fact 10). A pinching incident as disclosed by Sesselmann is equivalent to the claimed entrapment. As such, we sustain the Examiner’s rejection of claim 16 as anticipated by Sesselmann.

CONCLUSIONS OF LAW

We conclude that the Appellant has not shown that the Examiner erred in rejecting claims 1, 4, and 16 under 35 U.S.C. § 102(a) as anticipated by Sesselmann.

DECISION

The Examiner’s decision to reject claims 1, 4, and 16 under 35 U.S.C. § 102(a) as anticipated by Sesselmann is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

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Application 10/092,363

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